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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,611	06/30/2004	Alfred Losch	71441	4317

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MCGLEW & TUTTLE, PC  
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SCARBOROUGH, NY 10510-9227

EXAMINER
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REDMAN, JERRY E

ART UNIT	PAPER NUMBER
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3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/500,611

Applicant(s)

LOSCH ET AL.

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/30/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

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Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The new specification has been approved and entered into the file.

The applicant's information disclosure statement dated 6/30/2004 has been approved and a copy has been placed in the file.

The drawings are objected to because of the following:

1) There are no elements directed towards the "door inner plate 2" as recited throughout the specification.

2) Furthermore, the applicant discloses an outer plate, an inner plate, an outer module, and an inner module. In several of the drawings, the applicant merely "stacks" these elements on top of each other with some shown in dotted lines and others in solid lines which is difficult at best to understand how each of the elements are connected together. A cross-sectional view or an exploded view depicting these elements would help in understanding how all of the elements are interconnected together.

3) Exactly where is the cross-sectional view of Figure 5 taken from?

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The abstract of the disclosure is objected to because in lines 2 and 13, the phraseology "for example" and "or the like" respectively fails to describe the invention. Correction is required. See MPEP § 608.01(b).

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Throughout the claims, the applicant recites a door outer plate, a door inner plate, an inner module, and an outer module. These elements are not clearly pointed out or described in the drawings or the specification to the understanding of one of ordinary skilled in the art. Is the applicant trying to recite an outer panel, an inner panel connected to the outer panel, a module (which contains the

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window workings), and a trim panel? In claim 1, line 5, the phraseology "in a similar manner" is indefinite and fails to positively recite the claimed invention. In claim 7, lines 2 and 3, the phraseology "lacquered" is not readily understood by the Examiner. In claim 9, line 3, the phraseology "a window shaft" is not readily understood by the Examiner. In claim 1, line 8, the applicant recites "a door outer plate". Is this the same "door outer plate" that is recited in claim 1, line 1? In claim 1, line 12, the applicant recites "said inner module being comprised of the door inner plate" is not readily understood by the Examiner. It appears that this language contradicts the phraseology in claim 1, lines 1-4. Exactly what is the applicant trying to claim?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.


As best understood, claims 1-9 are further rejected under 35 U.S.C. 102(e) as being anticipated by Morrison et al., (6,857,688). Morrison et al., (6,857,688) disclose a door (10) for motor vehicles comprising a door outer structure having an outer plate (14) and inner plate (16), lateral support/connecting plate (18, also the reinforced beltline), an inner module (22), an outer module (24), hinging elements, (see figure 2 along the side of the door assembly), window drive unit (56), a locking means (seen throughout

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the drawings), an air bag (92), fastening elements seen connecting all of the plates and modules together, and a sealing profile (53).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patents to Emerling et. al., Inoue et al., Seeberger et al., Pleiss, and Reul et al. disclose door module and assemblies similar to that of the applicant's invention.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.

  
**Jerry Redman**  
**Primary Examiner**